
HOUSE BILL No. 1484

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-11.

Synopsis: County recorder procedures. Requires the county recorder to establish and post a written procedure for the public to obtain access to the original of a recorded instrument. Provides that producing an exact copy of an original instrument for inspection is sufficient to comply with the law regarding the inspection of public records if the original document has not been archived. Specifies that the county recorder may record documents if the recorder is satisfied that the original instrument is sufficiently legible to produce a readable photographic record. Provides that if a document presented for record is not sufficiently legible to reproduce a readable photographic record the recorder may require the person presenting the document for record to: (1) substitute a legible original document; or (2) prepare a legible copy of the original document.

Effective: July 1, 2001.

Tincher, Goeglein

January 11, 2001, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-11-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. **(a)** The recorder
3 shall record ~~in books~~ all instruments that are proper for recording, in
4 the order in which they are received in ~~his~~ **the recorder's** office for
5 record. ~~He~~ **The recorder** shall record deeds and mortgages in separate
6 ~~books; records.~~

7 **(b)** The recorder shall establish a written procedure for the
8 public to obtain access to the original instrument in order to
9 protect the instrument from loss, alteration, mutilation, or
10 destruction. The recorder shall post the written procedure in the
11 recorder's office.

12 **(c)** Providing an exact copy of an original instrument in the
13 possession of the recorder is sufficient to comply with the
14 inspection of public records provided under IC 5-14-3-3 if the
15 original document has not been archived.

16 SECTION 2. IC 36-2-11-10 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. **(a)** ~~As used in this~~

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section, "text" includes the notary seal, certificates, appendages, and any other component that is required by statute to be part of a document presented for record.

(b) The recorder may record ~~sheets conforming in size, color, weight, and texture to the pages of the appropriate official record book~~ documents to the record in which similar instruments are recorded, if:

(1) the complete text of a printed instrument comprising ten (10) or more printed pages has been accurately and legibly printed on the sheets;

(2) (1) the original instrument is filed for record in his the recorder's office at the same time; and

(3) he (2) the recorder is satisfied that the complete text of the original instrument has been printed on the documents accurately and legibly printed on the sheets with sufficient legibility to produce a readable photographic record.

After the recorder has numbered the ~~sheets documents~~ and securely fastened recorded them into the official record book at the proper place according to the date and time of the filing of the instrument for record, the instruments are considered to have been properly recorded.

(c) If the text of a document presented for record is readable but is not sufficiently legible to reproduce a readable photographic record as set forth in subsection (b), the recorder may require the person presenting the document for record to do one (1) of the following:

(1) Substitute a legible original document.

(2) Prepare a legible copy of the original document by handwriting or typewriting a copy and attach the copy to the original as a part of the document for making the permanent photographic record. The handwritten or typewritten legible copy shall be certified by the party creating the copy under penalty of perjury as being a true copy of the original.

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